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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,008	11/09/1999	STEPHEN B. ELLIOTT	RR2341	6014
7590	01/16/2004		EXAMINER	
BRACEWELL & PATTERSON, LLP INTELLECTUAL PROPERTY LAW P.O. BOX 969 AUSTIN, TX 78767-0969			FOX, JAMAL A	
			ART UNIT	PAPER NUMBER
			2664	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/436,008	ELLIOTT ET AL.
	Examiner Jamal A Fox	Art Unit 2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 October 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 2,4,8,10,14 and 16 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3,5-7,9,11-13,15,17 and 18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 February 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 3, 7 and 9 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent No. 6,278,697 to Brody et al. Referring to claim 1, Brody et al. discloses a method for efficiently integrating wireless and wireline functions [col. 10 lines 35-42] within a communications network [Fig. 10], comprising the steps of: integrating an asynchronous transfer mode infrastructure [col. 6 line 55] with said communications network [Fig. 10]; linking said wireless and wireline functions to and from said communications network via asynchronous transfer mode infrastructure utilizing a network access function [Fig. 10 ref. sign 276] within a network edge switch [Fig. 10, ref. sign 154]; and transmitting both wireless and wireline data [col. 10 lines 62-65] to said network access function [Fig. 10 ref. sign 276] to allow wireless and wireline data to flow to and from said communications network [Fig. 10]; determining target recipients for each wireless and wireline data received in a first communication protocol [col. 10 lines 53-65]; and converting within said access function said wireless and wireline data to a second communication protocol appropriate for said target recipient [col. 10 line 66 – col. 11 line 14].

Referring to claim 3, Brody et al. discloses the method of claim 1, utilizing multiple functions within said network access function for consolidating and interfacing signal traffic to and from said communications network [col. 7 lines 19-28].

Referring to claim 7, Brody et al. discloses a system for efficiently integrating wireless and wireline functions within a communications network, comprising: said communications network [Fig. 10]; and asynchronous transfer mode infrastructure [col. 6 lines 49-60] for transmitting signals within said communications network [Fig. 10]; a network edge switch [Fig. 10, ref. sign 154] for linking said wireless and wireline functions to and from said communications network via said asynchronous transfer mode infrastructure utilizing a network access function [Fig. 10 ref. sign 276] within said network edge switch [Fig. 10, ref. sign 154]; transmitting means [Fig. 10 ref. sign 304] for transmitting wireless and wireline data to said network access function to allow wireless and wireline data to flow to and from said communications network; means for determining target recipients for each wireless and wireline data received in a first communication protocol [Fig. 10 ref. sign 288]; and means for converting within said network access function said wireless and wireline data to a second communication protocol appropriate for said target recipient [Fig. 10 ref. signs "First Communications Protocol Server" and "Second Communications Protocol Server"].

Referring to claim 9, Brody et al. discloses the system of claim 7, further comprising: multiple functions within said network access function for consolidating and interfacing signal traffic to and from said communication network [col. 7 lines 19-28].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brody et al. in view of Miska et al.

Referring to claim 5, Brody et al. discloses the method of claim 1, but does not explicitly teach of further comprising transferring the wireless and wireline data to an asynchronous transfer mode infrastructure from the network access function. Miska et al. discloses transferring the wireless and wireline data to an asynchronous transfer mode infrastructure from the network access function [col. 6 lines 20-45]. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the invention of Miska et al. to the invention of Brody et al. in order to route the calls to their appropriate destinations as in Miska et al.

Referring to claim 6, Brody et al. discloses the method of claim 1, but does not explicitly teach wherein the step of integrating an asynchronous transfer mode infrastructure with the communications network, further comprising: integrating an asynchronous transfer mode infrastructure with the communications network, wherein the asynchronous transfer mode infrastructure comprises an asynchronous transfer

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mode fabric interfaced with an asynchronous transfer mode gateway. Miska et al. discloses the step of integrating an asynchronous transfer mode infrastructure with the communications network, further comprising: integrating an asynchronous transfer mode infrastructure with the communications network, wherein the asynchronous transfer mode infrastructure comprises an asynchronous transfer mode fabric interfaced [Fig. 2 ref. signs 36 and 38] with an asynchronous transfer mode gateway [Fig. 2 ref. signs 26 and 42]. All ATM switches have fabrics. A gateway is an entrance and exit to a communications network. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the invention of Miska et al. to the invention of Brody et al. in order to make sure the transmitted calls reach their appropriate destinations as in Miska et al.

Referring to claim 11, Brody et al. discloses the system of claim 9, but does not explicitly teach of further comprising: transferring the wireless and wireline data to an asynchronous transfer mode infrastructure from the network access function. Miska et al. discloses transferring the wireless and wireline data to an asynchronous transfer mode infrastructure from the network access function [col. 6 lines 20-45]. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the invention of Miska et al. to the invention of Brody et al. in order to route the calls to their appropriate destinations as in Miska et al.

Referring to claim 12, Brody et al. discloses the system of claim 9, but does not explicitly teach of integrating an asynchronous transfer mode infrastructure with the communication network, further comprising: integrating an asynchronous transfer mode

infrastructure with the communications network, wherein the asynchronous transfer mode infrastructure comprises an asynchronous transfer mode fabric interfaced with an asynchronous transfer mode gateway. Miska et al. discloses integrating an asynchronous transfer mode infrastructure with the communications network, further comprising: integrating an asynchronous transfer mode infrastructure with the communications network, wherein the asynchronous transfer mode infrastructure comprises an asynchronous transfer mode fabric interfaced [Fig. 2 ref. signs 36 and 38] with an asynchronous transfer mode gateway [Fig. 2 ref. signs 26 and 42]. All ATM switches have fabrics. A gateway is an entrance and exit to a communications network. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included the invention of Miska et al. to the invention of Brody et al. in order to make sure the transmitted calls reach their appropriate destinations as in Miska et al.

Claims 13, 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brody et al. Referring to claims 13, 15, 17 and 18, Brody et al. discloses operational instructions (col. 10 lines 35-42). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have included a program of instructions, within instruction bearing media associated with a telecommunication system for efficiently integrating wireless and wireline functions within a communications network, comprising: instructions within the instruction bearing media for integrating an asynchronous transfer mode infrastructure with the communications network; instructions within the instruction bearing media for

linking the wireless and wireline functions to and from said communications network via the asynchronous transfer mode infrastructure utilizing a network access function within a network edge switch; instructions within the instruction bearing media for transmitting both wireless and wireline data to the network access function to allow wireless and wireline data to flow to and from the communications network; instructions within the instruction bearing media for determining target recipient for each wireless and wireline data received in a first communication protocol; and instructions within the instruction bearing media for converting within said network access function said wireless and wireline data to a second communication protocol appropriate for a target recipient; instructions within said instruction bearing media for utilizing multiple functions within the network access function for consolidating and interfacing signal traffic to and from the communications network; instructions within the instruction bearing media for transferring the wireless and wireline data to the asynchronous transfer mode infrastructure from the network access function; and instructions within the instruction bearing media for integrating an asynchronous transfer mode infrastructure with the communications network, wherein the asynchronous transfer mode infrastructure comprises an asynchronous transfer mode fabric interfaced with asynchronous transfer mode gateway, in light of the fact that when a method and apparatus has been disclosed and rejected over prior art, the program of instruction bearing media associated with the method and apparatus is also rejected.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 3, 5-7, 9, 11-13, 15, 17 and 18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A Fox whose telephone number is (703) 305-5741. The examiner can normally be reached on 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (703) 305-4366. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 872-9314.

J.A.F.



WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600